

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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<http://www.montgomerycountymd.gov/content/council/boa/board.asp>

**Case No. A-5932**

**PETITION OF CORWIN AND VIRGINIA ATWOOD**  
(Hearing held November 12, 2003)

**OPINION OF THE BOARD**  
(Effective date of Opinion, December 22, 2003)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1994, as amended) for a variance from Section 59-C-1.323(a). The under-construction one-story addition (screened porch) requires a 6.04 foot variance as it is within 24.46 feet of the established front building line. The required established front building line is 30.05 feet.

The subject property is Lot 4, Block 7, Forest Glen Park Subdivision, located at 2905 Covington Road, Silver Spring, Maryland, 20910, in the R-90 Zone (Tax Account No. 01002766).

Decision of the Board: Requested variance **denied**.

**EVIDENCE PRESENTED TO THE BOARD**

1. The petitioners propose to complete the under-construction 14 x 20 foot one-story addition/screened porch located in the southwest section of the property.
2. The petitioners testified that their contractor started the structure without a building permit and that the construction was halted once they were aware that it required a building permit.
3. The petitioners testified that property is a corner lot located at the intersection of Woodstock Avenue and Covington Road and that the property's has an indentation at the front boundary on Woodstock Avenue. The petitioners testified that their lot is smaller than many of neighboring properties and that their lot size is 9,128 square feet.
4. The petitioners testified that their property has less depth than the confronting properties along Covington Road and that without a variance the porch size would be limited to 8 feet.

## **FINDINGS OF THE BOARD**

Based upon the petitioners' binding testimony and the evidence of record, the Board finds that the variance must be denied. The requested variance does not comply with the applicable standards and requirements set forth in Section 59-G-3.1(a) as follows:

*(a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.*

The Board finds that the petitioners' lot has no exceptional topographical or other conditions peculiar to the property and that the shape and size of the lot is not unusual for the neighborhood. See, Exhibit No. 9 (zoning vicinity map). The Board notes that the property's indentation on Woodstock Avenue side does not affect the area of the proposed construction and that the lot meets the minimum lot size for the zone.

The petition does not meet the requirements of Section 59-G-1.3(a) and the Board did not consider the other requirements in that section for the grant of a variance. Accordingly, the requested variance of 6.04 feet as it is within 24.46 feet of the required 30.05 foot established front building line for the construction of a one-story addition (screened porch) is denied.

The Board adopted the following Resolution:

On a motion by Louise L. Mayer, seconded by Allison Ishihara Fultz, with Donna L. Barron, Angelo M. Caputo and Donald H. Spence, Jr., Chairman, in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above is adopted as the Resolution required by law as its decision on the above entitled petition.

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Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of  
Appeals this 21st day of December, 2003.

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Katherine Freeman  
Executive Secretary to the Board

## **NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County

Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.